

2. Plaintiff James Roman is a resident of the State of West Virginia.

3. Plaintiff brings this action:

☒ On behalf of herself/himself.

☐ As the representative of _____, who is a living person.

☐ As the Administrator, Administrator ad Prosequendum, or other representative of the Estate of _____ (hereinafter "Decedent"), who died on _____.

4. Additionally, Teresa Roman, is the:

☒ Spouse

☐ Child/Children

☐ Other (Set forth) _____

of James Roman, is a resident of the State of West Virginia, and is hereby named as an additional plaintiffs, and claims damages.

5. Plaintiff asserts that the Plaintiff was administered New England Compounding Pharmacy, Inc. ("NECC") drug methylprednisolone acetate (hereinafter referred to as "NECC drug"), causing injuries and damages.

6. The aforesaid administration of the NECC drug occurred on: September 24, 2012 at PARS Pain Center by Gregory D'Eramo located at 1212 Garfield Avenue, Suite 202, Parkersburg, WV 26101.

7. Plaintiffs adopt and incorporate by reference the following Causes of Action asserted against the Defendant Liberty Industries and Unifirst Corporation in the Master Complaint:

☒ COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)

☒ COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendants)

☒ COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)

Plaintiffs allege violation of the following consumer protection statute:

W. Va. Code § 46A-6-106

☒ COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)

☒ COUNT VII: BATTERY (Against Clinic Related Defendants)

☒ COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)

☐ COUNT IX: TENNESSEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)

☒ COUNT X: AGENCY (Against Clinic Related Defendants)

☒ COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)

☐ COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

☒ COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)

☒ COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

8. Plaintiff(s) do not now assert but will seek leave to amend to assert the following claims promptly after the time period for giving notice has expired:

Count VI: Mass. Gen. Laws Ann. Ch. 93A et seq.

9. Plaintiff James Roman claims to have suffered the following injuries as a result of the administration of NECC's drug: chronic fatigue, headaches, photophobia, bone infection, back pain, extremity pain, depression and other physical, mental and emotional injuries.

10. Plaintiff James Roman claims to have suffered the following damages as a result of the administration of NECC's drug: economic and non-economic damages including pain and

suffering, mental anguish, past and future medical bills including prior hospital admissions, and loss of earning capacity.

11. The additional designated plaintiffs, Teresa Roman has suffered/will continue to suffer the following: loss of consortium.

WHEREFORE, Plaintiffs demand Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiffs reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against Defendants named herein based, in part, on further discovery.

LOSS OF CONSORTIUM
Count II

12. Plaintiffs adopt and incorporate each of the preceding paragraphs by reference herein

13. James Roman and Teresa Roman are in a marital relationship.

14. As a proximate and direct result of the negligence of the Defendants and the breach of warranties and other duties complained of herein, Plaintiffs have suffered damage to the marital relationship and a loss of consortium, including but not limited to a loss of companionship, affection, assistance, and impairment of sexual relations.

15. **WHEREFORE**, Plaintiffs James Roman and Teresa Roman seek all damages allowed by law and pray an award be entered against Defendant in their favor in an amount of at least \$10 million.

16. Plaintiffs rely on the doctrines of actual and apparent agency, *res ipsa loquitur*, and *respondeat superior* where applicable.

WHEREFORE, Plaintiffs demand Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

JURY DEMAND

Plaintiffs hereby demand a trial by jury.

Respectfully submitted,

PAULSON & NACE

/s/ Jonathan B. Nace
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(202) 463-1999
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that on October 23, 2014 I caused a copy of the foregoing *Short Form Complaint against Unaffiliated Defendants* to be served on the Court and all parties via CM/ECF.

Respectfully submitted,

PAULSON & NACE

/s/ Jonathan B. Nace

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